UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ANTHONY C. HILL, Plaintiff, v. WORKDAY, INC., et al., Defendants.	Case No. 23-cv-06558-PHK **ORDER RE: RESPONSE TO ORDER TO SHOW CAUSE BY ATTORNEYS WEBB AND CERVANTES** Re: Dkt. 129

INTRODUCTION

While this appears to be a case involving a legal brief with fake citations created by an Artificial Intelligence ("AI") tool or large language model, fundamentally, this case involves the simple failure to check citations in a brief prior to filing. Since the advent of various software and computerized systems for lawyers and litigants to do legal research and draft court filings, much ink has been spilled warning and admonishing lawyers and the public about the risks of blind reliance on AI tools and large language models to draft briefs and create legal citations without confirming accuracy. Since the public release of AI chatbots only a few years ago, courts and commentaries have highlighted the risks inherent in blindly trusting the output of large language models as a substitute for legal research.

However, the more fundamental issue raised by these recent misuses of AI tools is the failure by attorneys to check the citations to the case law cited, much less read the cases for accuracy. This is, unfortunately, not a new phenomenon. Long before the advent of computerized tools, lawyers were admonished for their willful or reckless citations to nonexistent case law or fictitious statutes in briefs. *See, e.g., Willy v. Coastal Corp.*, 855 F.2d 1160, 1172 (5th Cir. 1988) (affirming Rule 11 sanctions for, among other things, "citing to nonexistent rules of law"). When submitting filings to

1   a court, one of a lawyer's basic professional and ethical duties is not to "present a claim or defense

2   in litigation that is not warranted under existing law" regardless of the source of the alleged existing

3   law (whether from a computerized source, a generative AI, a traditional legal research tool such as

4   Westlaw, or a treatise). *See* Cal. Rules of Prof. Conduct r. 3.1(a)(2).

5   Here, there is no dispute that the lawyers at issue submitted a brief, which included a fake

6   citation to nonexistent law. While the record is less than clear as to the source of the fake citation,

7   what is clear is that there was a breakdown and failure to check or even try to read the cited law.

8   Now before the Court is the response by two attorneys to this Court's earlier Order to Show

9   Cause regarding the brief containing fake citation to nonexistent law. [Dkt. 129]. After carefully

10   reviewing the submitted declaration and holding a hearing on the Order to Show Cause, the Court

11   **ADMONISHES** and **SANCTIONS** Attorney Katherine Cervantes, and the Court **ORDERS**

12   Attorney Lenden Webb to file a one-page response to this Order and the Order to Show Cause.

RELEVANT BACKGROUND

14   In this lawsuit between a former employee and his former employer, Plaintiff Anthony Hill

15   and Defendant Workday filed a Joint Discovery Letter Brief on July 21, 2025. [Dkt. 117]. In the

16   signature block for that brief, both Lenden Webb and Katherine Cervantes are identified as attorneys

17   of record for Plaintiff Hill. *Id.* The actual signature in that discovery letter brief above the signature

18   block is that of Attorney Cervantes. *Id.*

19   On July 30, 2025, the Court issued an Order resolving the dispute and issued an Order to

20   Show Cause directed to Plaintiff Hill's counsel. [Dkt. 129]. The gravamen of the Order to Show

21   Cause is that Plaintiff Hill's counsel submitted briefing in the letter brief that: (1) cited at least one

22   nonexistent case, *South Pointe Wholesale, Inc. v. Vilardi*, No. 16-CV-6758, 2017 WL 11570668, at

23   *2 (E.D.N.Y. May 2, 2017); and (2) misrepresented the holdings of another cited case, *Mir v. L–3*

24   *Commc'ns Integrated Sys., L.P.*, 319 F.R.D. 220, 227 (N.D. Tex. 2016). *Id.* at 9–12. The Court's

25   core concerns centered around the inclusion of false or misleading citations, the source of the

26   citations, how and why they were included in the brief, and potential violations of this Court's

27   Standing Order, which specifically addresses AI and fictitious or unverified legal citations. *Id.*

28   Specifically, in the Order to Show Cause, the Court ordered a written response by both attorneys to

1   the following:

2   They **SHALL** explain the source, origin, and method of their finding
3   the citation "*South Pointe Wholesale, Inc. v. Vilardi*, No. 16-CV-
            6758, 2017 WL 11570668, at *2 (E.D. N.Y. May 2, 2017)";

4   They **SHALL** explain all steps taken to verify the accuracy, veracity,
            and existence of the case cited as "*South Pointe Wholesale, Inc. v.
5   Vilardi*, No. 16-CV-6758, 2017 WL 11570668, at *2 (E.D. N.Y. May
            2, 2017)";
6
            They **SHALL** explain all bases for the assertion in their brief that
7   *South Pointe Wholesale, Inc. v. Vilardi*, No. 16-CV-6758, 2017 WL
            11570668, at *2 (E.D. N.Y. May 2, 2017), supports the parenthetical
8   they wrote in their brief that this case is "acknowledging discovery
            may uncover facts justifying amendments";
9
            They **SHALL** explain all bases for the assertion in their brief that *Mir
10   v. L–3 Commc'ns Integrated Sys., L.P.*, 319 F.R.D. 220, 227 (N.D.
            Tex. 2016), supports the parenthetical they wrote in their brief that
11   "discovery may support amendments to pleadings so long as it is not
            overly broad or disproportionate";
12

13   *Id.* at 12.

14   The same day the Order to Show Cause was issued, Attorney Cervantes filed a declaration

15   responding to the Order to Show Cause. [Dkt. 131]. Attorney Webb did not file a separate response

16   or declaration to the Order to Show Cause.

17   The Court held a hearing on the Order to Show Cause on August 11, 2025, at which Attorney

18   Cervantes appeared (but not Attorney Webb). [Dkt. 148].

LEGAL STANDARD

20   Rule 11(b)'s language familiar to lawyers appearing in federal courts states that "[b]y

21   presenting to the court a pleading, written motion, or other paper, whether by signing, filing,

22   submitting, or later advocating it, an attorney or unrepresented party certifies that to the best of the

23   person's knowledge, information, and belief, formed after an inquiry reasonable under the

24   circumstances . . . (2) the claims, defenses, and other legal contentions are warranted by existing

25   law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for

26   establishing new law."

27   A lawyer whose name therefore appears on a court filing therefore "certifies to the court that

28   the signer has read the document, has conducted a reasonable inquiry into the facts and the law and

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1   is satisfied that the document is well grounded in both, and is acting without any improper motive."

2   *Bus. Guides, Inc. v. Chromatic Commc'ns. Enters., Inc.*, 498 U.S. 533, 542 (1991). Accordingly,

3   Rule 11 "admits of no exceptions to the requirement that all reasonable attorneys will read a

4   document before filing it in court." *Zaldivar v. City of Los Angeles*, 780 F.2d 823, 830 (9th Cir.

5   1986), *abrogated on other grounds by Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384 (1990).

6   Thus, the lawyer whose name appears on a court filing has "an affirmative duty to conduct a

7   reasonable inquiry into the facts **and the law** before filing." *Bus. Guides*, 498 U.S. at 551 (emphasis

8   added). "[T]he applicable standard is one of reasonableness under the circumstances." *Id.* "Courts

9   must apply an objective test in assessing whether the rule has been violated." *Yagman v. Republic*

10   *Ins.*, 987 F.2d 622, 628 (9th Cir. 1993).   Therefore, a "violation of the rule does not require

11   subjective bad faith." *Id*. The Court has authority under Rule 11(c) to impose sanctions for such

12   violations.

13   Long before the public launch of ChatGPT, the Fifth Circuit affirmed an award of sanctions

14   by noting that "[f]iling mountainous piles of unorganized documents and citing to nonexistent rules

15   of law are precisely the sort of conduct that, under the objective test of Rule 11, could lead a district

16   court to conclude that the attorney had not made reasonable inquiry into the law or was seeking to

17   harass or delay." *Willy*, 855 F.2d at 1172. Sanctioning a party for citing to nonexistent law is,

18   unfortunately, not merely a product of AI-hallucinated citations. *See, e.g.*, *Dobson v. U.S. Bank*

19   *Trust, N.A.*, 2021 WL 1235248 at *2 (C.D. Cal. Feb. 19, 2021) ("Plaintiff's citation to a nonexistent

20   code section and subsequent failure to address the erroneous citation and the merits of Defendant's

21   Motion for Sanctions indicate that Plaintiff did not conduct a reasonable and competent inquiry into

22   the law before signing and filing his Complaint."). "One specific inquiry for determining whether

23   sanctions are appropriate is 'whether the party or attorney made a reasonable inquiry into the law.'"

24   *Mid Central Operating Engineers Health and Welfare Fund v. HoosierVac LLC*, 2025 WL 574234

25   at *2 (S.D. Ind. Feb. 21, 2025) (quoting *Brown v. Federation of State Med. Boards of the U.S.*, 830

26   F.2d 1429, 1435 (7th Cir. 1987), *overruled on other grounds by Mars Steel Corp. v. Continental*

27   *Bank N.A.*, 880 F.2d 928 (7th Cir. 1989)).

28   "Given the rise of artificial intelligence and its use in court proceedings, courts have begun

1   ordering litigants suspected of citing to AI-hallucinated cases to show cause why sanctions or

2   discipline should not issue. Specifically, courts tend to find that Fed. R. Civ. P. 11(b)(2) applies in

3   the context of litigants citing to AI-hallucinated cases in documents submitted to courts." *Marion*

4   *v. Hollis Cobb Assocs.*, 2025 WL 1275828, at *5 (N.D. Ga. Feb. 14, 2025) (citations omitted). The

5   issue of sanctions for filing briefs with fake citations is a nationwide issue and has been addressed

6   by the Northern District of California. *See, e.g.*, *Coronavirus Reporter Corp. v. Apple Inc.*, 2025

7   WL 2162947, at *5–6 (N.D. Cal. July 30, 2025).

8   However, the Court recognizes that the motion at issue here is a discovery motion. Under

9   Rule 11(d), such motions are exempt from the requirements of Rule 11. *See* Fed. R. Civ. P. 11(d)

10   ("This rule does not apply to disclosures and discovery requests, responses, objections, and motions

11   under Rules 26 through 37."). "This appears to be an unintended anomaly in Rule 11: the advisory

12   committee's note indicates that discovery motions were excepted from Rule 11 because the

13   committee expected Rules 26 and 37 to allow courts to address sanctionable misconduct in such

14   motions, but Rules 26 and 37 furnish no basis for the court to address the false statements of law

15   these attorneys made in discovery motions. Regardless, Rule 11 speaks for itself; it does not apply

16   here, and this court has no authority to change that." *Johnson v. Dunn*, -- F. Supp. 3d ----, 2025 WL

17   2086116 at *14 (N.D. Ala. July 23, 2025) (citations omitted).

18   Separate from Rule 11, "[w]ithin the federal system, each district court is authorized to

19   govern and discipline its own bar." *Weissman v. Quail Lodge, Inc.*, 179 F.3d 1194, 1198 (9th Cir.

20   1999). The district court may issue sanctions for violating its local rules, and also under its inherent

21   authority. *See Fink v. Gomez*, 239 F.3d 989, 991–92 (9th Cir. 2001); *Zambrano v. City of Tustin*,

22   885 F.2d 1473, 1480 (9th Cir. 1989). Before imposing sanctions on an attorney, the Court must

23   provide the attorney with notice and an opportunity to be heard. *Weissman*, 179 F.3d at 1198. A

24   separate sanctions hearing is not required when the attorney is given the opportunity to respond in

25   writing. *Pac. Harbor Cap., Inc. v. Carnival Air Lines, Inc.*, 210 F.3d 1112, 1118 (9th Cir. 2000).

26   "The opportunity to brief the issue fully satisfies due process requirements." *Id.* (citing *Resolution*

27   *Trust Corp. v. Dabney*, 73 F.3d 262, 268 (10th Cir. 1995); *Toombs v. Leone*, 777 F.2d 465, 472 (9th

28   Cir. 1985)).

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1   "Broad deference is given to a district court's interpretation of its local rules." *Bias v.*

2   *Moynihan*, 508 F.3d 1212, 1223 (9th Cir. 2007) (citing *Christian v. Mattel, Inc.*, 286 F.3d 1118,

3   1129 (9th Cir. 2002)). This Court's Civil Local Rule 11-4 provides in relevant part that all attorneys

4   permitted to practice in the Northern District must: "Be familiar and comply with the standards of

5   professional conduct required of members of the State Bar of California;" "Comply with the Local

6   Rules of this Court;" "Maintain respect due to courts of justice and judicial officers;" and "Practice

7   with the honesty, care, and decorum required for the fair and efficient administration of justice[.]"

8   "Failure by counsel or a party to comply with any duly promulgated local rule or any Federal Rule

9   may be a ground for imposition of any authorized sanction." Civil L.R. 1-4.

10   In that regard, the undersigned's Civil Standing Order, which is applicable to this case, states

11   that: "in the course of preparing filings with the Court or other documents for submission in an

12   action, counsel and Parties choosing to use an AI *or other automated tools* shall fully comply with

13   any applicable protective order and all applicable ethical/legal obligations (including issues relating

14   to privilege) in their use, disclosure to, submission to, or other interaction with any such AI tools.

15   Such counsel and parties using any AI tool shall maintain records sufficient to establish and

16   corroborate their compliance with this Standing Order, if asked by the Court, such as by keeping

17   records of all prompts or inquiries submitted to any such third-party AI tools." Civil Standing Order

18   at § VI(C), available at https://cand.uscourts.gov/wp-content/uploads/judges/kang-phk/PHK-Civil-

19   Standing-Order_2025.7.16.pdf (last accessed Sept. 4, 2025) (emphasis added).

20   Further, the Standing Order requires that "all counsel who have appeared, as well as all

21   others responsible for making representations to the Court or opposing counsel (whether or not they

22   make an appearance) . . . , shall competently and responsibly use automated, computer-based

23   software or hardware applications in drafting briefs, pleadings, or other documents to be submitted

24   to the Court, whether such tools are labelled as AI, generative AI, language model, natural language

25   processing tool, machine learning tool, artificial neural network, deep learning neural network, *or*

26   *any other automated generator of text*. Counsel and pro se parties shall make use of such tools

27   with competent training, knowledge, and understanding of the limitations and risks of such

28   automated tools." *Id.* (emphasis added).

1   As noted, the Local Rules require attorneys to comply with the standards of professional

2   conduct of the State Bar of California. Rule 1.1 requires that "A lawyer shall not intentionally,

3   recklessly, with gross negligence, or repeatedly fail to perform legal services with competence."

4   And as noted above, Rule 3.1 requires that a lawyer "shall not . . . present a claim or defense in

5   litigation that is not warranted under existing law."

6   **DISCUSSION**

7   **I.   ATTORNEY CERVANTES**

8   In her declaration filed in response to the Order to Show Cause, Attorney Cervantes attests

9   as follows: "I incorrectly and inadvertently cited the case *South Pointe Wholesale, Inc. v. Vilardi*,

10   No. 16-CV-6758, 2017 WL 11570668, at *2 (E.D. N.Y. May 2, 2017)." [Dkt. 31 at ¶ 4]. "The

11   correct citation for the parenthetical in the Joint Letter Brief Regarding Discovery Disputes, is *South

12   Pointe Wholesale, Inc. v. Vilardi*, No. 1:17-CV-00052-GNS, 2017 WL 3877860 (W.D. Ky. Sept. 5,

13   2017), attached hereto for reference as Exhibit 1." *Id.* at ¶ 5. "The citation is not reported in the

14   federal supplement and should have complied with local rule 3-4 (d)(5)." *Id.*

15   At the Order to Show Cause hearing, Attorney Cervantes averred under oath that she utilized

16   Westlaw's CoCounsel research tool in order to assist with drafting her client's portion of the Joint

17   Discovery Letter Brief. Westlaw's CoCounsel is self-described as "Professional-grade AI

18   CoCounsel Legal: AI lawyers swear by;" and which allows attorneys to "Leverage the most

19   advanced single tool for completing complex legal work—research, drafting, and analysis—with

20   speed and precision[.]"   Thomson Reuters, "CoCounsel Legal: AI lawyers swear by"

21   https://perma.cc/96LT-FM3H (last accessed Sept. 4, 2025). At a general level, CoCounsel is a

22   computerized tool which generates citations. CoCounsel appears to use a version of a large language

23   model which, in response to prompts, generates legal research, analysis, and (relevant here) case

24   citations. Attorney Cervantes attested that her firm had recently obtained access to that Westlaw

25   tool and wanted to utilize it for the first time for the discovery dispute at issue.

26   Attorney Cervantes attested at the hearing that she utilized the CoCounsel tool and directed

27   her paralegal to review the citations, but one citation was inadvertently missed. She further attested

28   that she did not personally review the *South Pointe Wholesale, Inc.* improper citation at issue.

1   Following the Court's issuance of the Order to Show Cause, Attorney Cervantes stated that that

2   Order to Show Cause was circulated firmwide, a meeting was convened, and additional training on

3   the use of large language models was conducted.

4   The Court firstly appreciates Attorney Cervantes's taking responsibility for the issues raised

5   by the Order to Show Cause. However, her declaration in response to the Order to Show Cause

6   raises several issues which were not satisfactorily resolved at the Order to Show Cause hearing.

7   First, there appears to be some inconsistency between the representations made in Attorney

8   Cervantes's declaration and those made during her sworn testimony at the Order to Show Cause

9   hearing. In her declaration, Attorney Cervantes described the erroneous citation as her own

10   inadvertent error and further implied that Westlaw's tool may have "glitched" by erroneously

11   producing the citation. [Dkt. 31 at ¶ 4]. Specifically, she indicates that the copy citation tool may

12   have inadvertently copied the wrong citation information.

13   Yet, that explanation seems highly improbable. The citation was incorrect in every respect

14   and none of the sub-parts of the citation match each other, including the case docket number,

15   reporter, pincite, court information, and date information. The likelihood of every component of a

16   citation being simultaneously wrong due to a software malfunction in transcribing from a "correct"

17   citation is, in the Court's view, statistically improbable (particularly given Westlaw's

18   representations as to the accuracy of its tools and the apparent resources Westlaw has devoted to

19   promoting the reputation of this tool). If one set of numbers had been transposed, or if the date were

20   wrong, such transcription errors might be explicable. However, the fact that the party names, docket

21   number, Westlaw citation, date, and court all failed to match, resulting in a mashup citation, cannot

22   credibly be attributed to a software error, let alone a mistranscription or copying mistake. Rather,

23   this Frankensteinian legal citation, stitched together from mismatched party names, docket numbers,

24   dates, and courts, bears the hallmarks of an AI-generated hallucination, as documented in numerous

25   published opinions and reports. *See, e.g., Johnson v. Dunn*, -- F. Supp. 3d ----, 2025 WL 2086116

26   at *11 (N.D. Ala. July 23, 2025) (collecting cases; "Every lawyer knows that citing fake cases in a

27   court filing is a terrible decision. No one here is attempting to defend it. In the few years that

28   generative AI has affected court filings, it has become well established that '[m]any harms flow

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1   from the submission of fake opinions.'"); *see also Lahti v. Consensys Software Inc.*, 2025 WL

2   2404454 at *4 (S.D. Ohio Aug. 20, 2025) (citing Christina M. Frohock, *Ghosts at the Gate: A Call*

3   *for Vigilance Against AI-Generated Case Hallucinations*, 130 Penn St. L. Rev., issue 1 (Winter

4   2025) forthcoming, available at https://dx.doi.org/10.2139/ssrn.5275945).

5   　　　　At the hearing, Attorney Cervantes emphasized her reliance on Westlaw's CoCounsel and

6   her delegation of citation review to a paralegal, and she did not repeat or rely on the suggestion in

7   her declaration of a Westlaw "glitch." Rather, at the Order to Show Cause hearing, Attorney

8   Cervantes shifted the reasoning and speculate that there was an error in copying and pasting the

9   citation from Westlaw's *CoCounsel* webpage into the Word document of the brief. She could not

10   explain how that error could have occurred in the copy-and-pasting process, but implied that some

11   form of error was involved. These differing characterizations, combined with the improbability of

12   the explanation offered in the declaration, raise concerns about the accuracy, completeness, and

13   candor of the explanations provided.

14   　　　　More fundamentally and problematically, Attorney Cervantes did not herself confirm the

15   accuracy of the citations in Plaintiff's portion of the brief before filing the Joint Discovery Letter

16   Brief. Rule 5.3 requires that "a lawyer having direct supervisory authority over [a] nonlawyer,

17   whether or not an employee of the same law firm, shall make reasonable efforts to ensure that the

18   person's conduct is compatible with the professional obligations of the lawyer." Cal. Rule of Prof.

19   Conduct 5.3(b). While Attorney Cervantes represented that she asked her paralegal to review the

20   citations, she further admitted that she did not personally review the *South Pointe Wholesale* citation

21   at issue. That was a fundamental failure on her part. "Courts have consistently held that failing to

22   check the treatment and soundness—let alone the existence—of a case warrants sanctions." *Mid*

23   *Central Operating Engineers*, 2025 WL 574234 at *2. Delegation to staff is normal and appropriate

24   in many circumstances, but counsel bears ultimate responsibility for filings submitted to the Court.

25   *See Davis v. Marion County Superior Court Juvenile Detention Center*, 2025 WL 2502308 at *2

26   (S.D. Ind. Sept. 2, 2025) (sanctioning attorney for filing brief with fake citations, where attorney

27   averred that paralegal drafted the brief and attorney alleged he "did not have time to carefully review

28   the paralegal's draft before filing it.").

1   Moreover, to the extent Attorney Cervantes appeared to attempt to deflect at least some of

2 the blame to her paralegal as the potential source of the alleged "human error," her response to the

3 Order to Show Cause is inadequate. Ultimately, an attorney, and not their staff, undertakes the

4 duties of professional responsibility when submitting filings to the Court. "An attorney who uses

5 the services of a paralegal is liable for any harm caused as the result of the paralegal's negligence."

6 Cal. Bus. & Prof. Code § 6452(b). "Even though an attorney cannot be held responsible for every

7 detail of office procedure, he must accept responsibility to supervise the work of his staff." *Vaughn*

8 *v. State Bar of Cal.*, 6 Cal. 3d 847, 857 (1972). Given the ease with which computerized tools allow

9 for cite checking, the failure to verify the accuracy of cited legal authority reflects a lack of diligence

10 in these circumstances, particularly where Attorney Cervantes was using a tool which was

11 admittedly new to her and her law firm and in light of the numerous cases, this Court's Standing

12 Order, and very public warnings about AI-generated fake citations. *Davis*, 2025 WL 2502308 at *2

13 (sanctioning attorney for filing brief with fake citations, where attorney did not take the time to

14 check citations before filing: "It would have taken only a few minutes to check the validity of the

15 citations in the brief using LEXIS before filing it. [Attorney] Mr. Sture failed to take even that most

16 basic of actions, and therefore did not catch the fact that the brief contained citations that did not

17 exist.").

18   Here, as Attorney Cervantes admitted at the Order to Show Cause, she never checked the

19 citations in the brief to make sure they actually existed. "The arrival of modern legal research tools

20 implementing features such as Westlaw's KeyCite and Lexis's Shephardization has enabled

21 attorneys to easily fulfill this basic duty. There is simply no reason for an attorney to fail to fulfill

22 this obligation." *Mid Central Operating Engineers*, 2025 WL 574234 at *2.

23   At its core, resolution of the issues here does not require finding the exact source or cause

24 for the fake citation in Plaintiff's brief, whether from Westlaw CoCounsel, from the unexplained

25 use of an AI tool or large language model, or from some form of error in cutting and pasting. The

26 fact remains that the fake citation was included in the filing due to a failure to check the citation.

27 "Regardless of the source of the fictitious case and quotation, an attorney with almost six years of

28 experience . . . knows how to conduct legal research, retrieve cases, and accurately cite those cases.

1   The Court need not make any finding as to whether [sanctioned attorney] Mr. Francisco actually

2   used generative AI to draft any portion of his motion and reply, including the fictitious case and

3   quotation. 'Citing nonexistent case law or misrepresenting the holdings of a case is making a false

4   statement to a court. It does not matter if [generative AI] told you so.'" *United States v. Hayes*, 763

5   F. Supp. 3d 1054, 1066–67 (E.D. Cal. 2025) (citations omitted) (sanctioning attorney for violations

6   of court's local rules and under inherent authority). As such, the Court is inclined to sanction

7   Attorney Cervantes.

8   Based on the submissions and the hearing, the Court also recognizes several mitigating

9   circumstances. First, Attorney Cervantes responded promptly to the Court's Order to Show Cause.

10   In fact, she responded the same day the Order to Show Cause was issued. Her immediate

11   engagement with the Court's directive demonstrates respect for the process and recognition of the

12   seriousness of the matter.

13   Second, at the hearing, Attorney Cervantes did not minimize the error and expressed genuine

14   regret. Her demeanor suggested that she understood the gravity of the issue and took the Court's

15   concerns seriously. The Court appreciates Attorney Cervantes's candor and acknowledgment of

16   responsibility.

17   Third, Attorney Cervantes ultimately accepted responsibility for the mistake (and did not

18   persist in pointing to her paralegal's involvement). Attorney Cervantes acknowledged that the

19   failure to check the citation was her error ultimately.

20   Fourth, following the issuance of the Order to Show Cause, Attorney Cervantes indicated

21   under oath that her firm circulated that order internally, convened a meeting, and implemented

22   additional training regarding the use of large language models. These corrective measures indicate

23   that the firm is attempting to address the underlying issues proactively and to prevent recurrence.

24   Fifth, Attorney Cervantes is a relatively junior attorney, and her inexperience may have

25   contributed to the failure to properly supervise and manage the circumstances that led to the filing.

26   The Court is mindful that younger attorneys are still in the process of developing sound professional

27   judgment and learning the full scope of their ethical and procedural obligations as counsel of record.

28   The Court does not take lightly the challenges that early-career attorneys face, particularly when

1   navigating emerging technologies and complex discovery disputes. This context underscores why

2   the Court's Standing Order expressly encourages law firms to provide junior attorneys with

3   meaningful opportunities, alongside appropriate guidance and oversight, when appearing before this

4   Court.

5   On balance, while the Court remains troubled by the lapses identified above, including the

6   inconsistent explanations, the failure to disclose the use of a large language model as required by

7   the Court's Standing Order, and the ultimate failure to verify citations before filing, the Court also

8   credits the mitigating factors discussed above. These factors weigh against the imposition of more

9   severe sanctions at this time.

10   **CONCLUSION AS TO ATTORNEY CERVANTES**

11   Accordingly, the Court herby publicly **ADMONISHES** Attorney Cervantes for her failure

12   to comply with the Court's Standing Order, her failure to comply with Rule 11(b), and for her lack

13   of diligence in ensuring the accuracy of the citation submitted to the Court.

14   In addition, the Court **ORDERS** the following sanctions:

15   **Circulation Requirement:** Attorney Cervantes shall circulate this
16   Order, together with the Court's Order to Show Cause and her
         response, to all attorneys and paralegals in her office. The Court
17   highly encourages that all recipients read these documents to
         reinforce the importance of diligence, candor, and compliance with
18   the Court's Standing Order regarding the use of AI tools. Attorney
         Cervantes **SHALL** file a certification with the Court that she has
19   complied with this circulation requirement within **ten (10) days** of
         completion.

20   **Continuing Legal Education Requirement:** Within six months of
         the date of this Order, Attorney Cervantes shall complete at least four
21   hours of live, in-person continuing legal education from providers
         approved by the California State Bar. At least one hour shall be in
22   the area of law practice management/supervision of staff, at least one
         hour shall be in the area of professional responsibility and ethics, and
23   at least one hour shall be in the area of ethical/professional use of
         artificial intelligence/large language models in legal practice. Upon
24   completion of this CLE requirement, Attorney Cervantes **SHALL** file
         a declaration under oath certifying completion of the CLE within **ten**
25   **(10) days** of completion, attaching copies of certificates of
         attendance.

26   After the Court reviews the certifications required above, the Court will make a final

27   determination on whether to discharge the Order to Show Cause as to Attorney Cervantes. No

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1   further sanctions will issue at this time.

2   **II.   ATTORNEY WEBB**

3   As noted, Attorney Webb did not appear at the Order to Show Cause hearing. [Dkt. 148].

4   The Order to Show Cause was directed to him, as well as Attorney Cervantes. [Dkt. 129]. As noted,

5   his name is in the signature block of the brief containing the fake citation. At the Order to Show

6   Cause hearing, when the Court inquired of Attorney Cervantes regarding his absence, she stated that

7   Attorney Webb was attending another matter that had been scheduled in advance.

8   Attorney Webb's name appeared on the pleading at issue, and he was (until recently)

9   attorney of record in this matter for Plaintiff. He is the namesake for his law firm and is the senior

10   lawyer who supervised Attorney Cervantes in this lawsuit. As such, the responsibility for the

11   accuracy of the filings submitted to the Court rests squarely with him.

12   Although Attorney Cervantes indicated that Attorney Webb had entrusted her with drafting

13   the discovery letter brief, an attorney's professional responsibilities cannot be delegated in that

14   manner. "A lawyer who individually or together with other lawyers possesses managerial authority

15   in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving

16   reasonable assurance that all lawyers in the firm comply with these rules and the State Bar Act."

17   Cal. Rules of Prof'l Conduct r. 5.1(a)(b). "An attorney is responsible for the work product of his

18   employees which is performed pursuant to his direction and authority." *Crane v. State Bar of Cal.*,

19   30 Cal. 3d 117, 120 (1981). This supervisory duty is "separate and distinct from the underlying

20   duties of a novice attorney to act competently." *Gadda v. State Bar*, 50 Cal. 3d 344, 354 (1990).

21   Ultimately, Attorney Webb and his firm submitted the filing to the Court. His failure to appear at

22   the hearing, failure to submit his own declaration, and failure to otherwise address the Court's

23   concerns reflect poorly on his regard for his obligations as attorney of record and raise serious

24   questions about his diligence and accountability in this matter.

25   The Court **ADMONISHES** Attorney Webb for failing to appear at the Order to Show Cause

26   hearing and for failing to file any submission before or after the hearing to explain his absence.

27   Those failures constitute failures to comply adequately with a Court Order. "An attorney who signs

28   the pleading cannot simply delegate to forwarding co-counsel his duty of reasonable inquiry."

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1   *Unioil, Inc. v. E.F. Hutton & Co.*, 809 F.2d 548, 558 (9th Cir. 1986). "Rule 11 requires that an

2   attorney signing a pleading must make a reasonable inquiry *personally*." *Garr v. U.S. Healthcare*,

3   22 F.3d 1274, 1280 (3d Cir. 1994).

4   Accordingly, the Court **ORDERS** Attorney Webb to file a declaration within **fourteen (14)**

5   **days** of this Order addressing all of the issues raised in the original Order to Show Cause and further

6   addressing the following: (1) explaining his nonappearance at the Order to Show Cause hearing; (2)

7   explaining the failure to provide advance notice to court staff as to his apparent scheduling conflict;

8   (3) describing his role and responsibilities as counsel of record with regard to the supervision of

9   Attorney Cervantes and other members of his law firm with regard to the filing of the brief

10   containing the fake citation; and (4) identifying what steps he personally and his firm have taken, or

11   plan to take, to mitigate and prevent similar issues from occurring in the future. Failure to comply

12   with this directive may result in further sanctions. The Court does not discharge the Order to Show
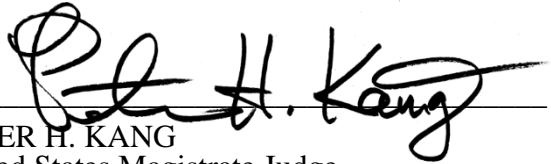
13   Cause as to Attorney Webb.

CONCLUSION

15   Accordingly, for the reasons explained herein, and as an exercise of the Court's authority to

16   enforce its local rules (which incorporate the California Rules of Professional Conduct) and its

17   inherent authority, the Court **ADMONISHES** and **SANCTIONS** Attorney Cervantes as detailed

18   herein.

19   The Court **ORDERS** Attorney Webb to file a declaration within **fourteen (14) days** of this

20   Order as discussed above, and the Court will take further action upon review of that declaration.

21   **IT IS SO ORDERED.**

22   Dated: September 5, 2025

23   _____

24   PETER H. KANG
     United States Magistrate Judge

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